

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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| URSULA Y. LAWSON MCINTOSH, | : | NO. 1:09-CV-00274 |
| et al., | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | OPINION AND ORDER |
| | : | |
| BUTLER COUNTY CHILDREN'S | : | |
| SERVICES BOARD, | : | |
| et al., | : | |
| | : | |
| Defendants. | : | |

This matter is before the Court on the Magistrate Judge's March 12, 2010, Report and Recommendation (doc. 28), to which no objections were filed. For the reasons indicated herein, the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation in its entirety.

Plaintiffs, proceeding pro se, filed a complaint against the "Butler County Children's Services Board, Alisa Pedoto, Jann Herrer, Kim Bui, Kerry Lampart, Erin Vogel, Diana Songer, Dan Phillips, Meg Halpin, Lisa Dierling, and Peg Hall, et al.," alleging violations of the Fourth, Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution arising from proceedings involving one of the Plaintiffs, a minor child (doc. 4). Defendant Diana Songer filed a Motion to Dismiss on July 2, 2009 (doc. 12), and on July 10, 2009, Plaintiff Ursula Lawson McIntosh filed a Motion to Dismiss Diana Songer as Defendant (doc. 13).

The Magistrate Judge reviewed the motions and the

complaint and found that the complaint contains no allegations regarding any conduct, actions or failure to act by Defendant Songer (doc. 28). Consequently, the Magistrate Judge recommended that Defendant Songer be dismissed from this action, as Plaintiffs have failed to state a claim against her (Id., citing, inter alia, Fed. R. Civ. P. 12(b)(6); Bloch v. Ribar, 156 F.3d 673 (6th Cir. 1998); Daubenmire v. City of Columbus, 507 F.3d 383 (6th Cir. 2007)).

Having reviewed this matter de novo, the Court finds the Magistrate Judge's Report and Recommendation well-reasoned and correct. Plaintiffs are proceeding pro se, and, as such, they are entitled to a liberal construction of their pleadings. Hahn v. Star Bank, 190 F.3d 708, 715 (6th Cir. 1999). However, even construing Plaintiffs' allegations in a liberal manner, this Court finds that Plaintiffs have failed to state a claim for relief against Defendant Songer, and a dismissal under Rule 12(b)(6) is warranted. Accordingly, the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation (doc. 28), GRANTS Defendants' Motion to Dismiss (doc. 12), and DISMISSES AS MOOT Plaintiff Ursula Lawson McIntosh's Motion to Dismiss Defendant Songer as Defendant (doc. 13).

SO ORDERED.

Dated: March 31, 2010

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge